

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

QUENTIN E. NEAL,

Petitioner,

v.

Case No. 14-C-110

ROBERT HUMPHREYS,

Warden, Racine Youthful
Offenders Correctional Facility,

Respondent.

DECISION AND ORDER

On February 3, 2014, pro se Petitioner Quentin E. Neal (“Neal”), currently incarcerated at the Racine Youthful Offenders Correctional Facility, filed a petition for relief pursuant to 28 U.S.C. § 2254 challenging his state conviction. Neal filed a request to proceed without payment of the filing fee, which the Court denied by an order issued February 14, 2014, because it concluded Neal was able to pay the \$5.00 filing fee. Neal paid the filing fee by the stated deadline.

Consequently, the action is now before the Court for initial consideration pursuant to Rule 4 of the Rules Governing § 2254 Cases, which reads:

If it plainly appears from the face of the petition and any exhibits annexed to it that the petitioner is not entitled to relief in the district court, the judge shall make an order for its summary dismissal and cause the petitioner to be notified. Otherwise the judge shall order the respondent to file an answer.

Rule 4, Rules Governing § 2254 Cases.

The Court's initial review of habeas petitions requires determining whether the petitioner has set forth cognizable constitutional or federal law claims and exhausted available state remedies. Neal's petition raises arguable constitutional claims. He has presented his claims to the Wisconsin Court of Appeals. While Neal did not further petition the Wisconsin Supreme Court for review, any attempt to do so at this time would be futile. Since Neal's claims are not subject to summary dismissal, the Court will require Respondent Robert Humphreys ("Humphreys") to file an answer.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT:

Humphreys **MUST FILE AN ANSWER** to Neal's petition for a writ of habeas corpus on or before **May 12, 2014**; and

The answer **MUST** conform to the requirements of Rule 5 of the Rules Governing Section 2254 Cases.

Dated at Milwaukee, Wisconsin, this 11th day of March, 2014.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge